

## REMARKS

In accordance with the foregoing, claims 1, 22, 23 and 26 are amended herein. No new matter is presented, and approval and entry of the amended claims are respectfully requested.

Claims 24 and 25 are cancelled herein without prejudice or disclaimer. Claims 1-8, 10-12, 14, 16-23, and 26-27 are pending and under consideration. Reconsideration is requested.

### Allowable Subject Matter

In item 7 of the Office Action, the Examiner indicates that claims 20-21 are allowed. (See, Office Action at page 6). Applicant appreciates the indication of allowable subject matter.

### Rejection of Claims 22-23 under 35 U.S.C. §101

In item 3 of the Office Action, the Examiner rejects claims 22-23 under 35 U.S.C. §101 as not falling within one of the four statutory categories of invention and asserts:

While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. § 101 must (1) be tied to another statutory category (such as a *particular* apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing.

(See, Office Action at page 2).

The rejection is traversed. Claim 22 is amended herein to recite a "organism characteristic data acquiring method performed by a processor." (Emphasis added). Claim 23 is amended in a similar manner.

Applicant submits that claims 22-23 recite features tied to a particular apparatus i.e., "a processor."

### Conclusion

Applicant submits that claims 22-23 comply with 35 U.S.C. §101 and request the rejection be withdrawn.

### Rejection of claims under 35 U.S.C. § 112, second paragraph

In item 6 of the Office Action, the Examiner rejects independent claims 1, 22, and 26 (and respective dependent claims 2-8, 10-12, 16-19, 23, and 27) under 35 U.S.C. §112, second paragraph as being indefinite and asserts:

Independent claims 1, 22, . . . and 26 each recite "and/or". Recitation of the phrase "and/or" renders each of claims 1, 22, . . . and 26 (and all claims depending therefrom) indefinite.

(See, Office Action at page 2).

The rejection is traversed. Independent claim 1 is amended herein to replace the phrase

"from each of an identification object person and/or a registration object person" with the phrase -- from an identification object person or a registration object person--. Independent claims 22 and 26 are amended in a similar manner.

Applicant submits that independent claims 1, 22, and 26 (and respective dependent claims 2-8, 10-12, 16-19, 23, and 27) comply with 35 U.S.C. §112, second paragraph.

**Conclusion**

Thus, the rejection should be withdrawn.

**Conclusion**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: \_\_\_\_\_

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By: \_\_\_\_\_

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